

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

AYODELE OKE,)	
)	
Plaintiff,)	C.A. No. 18-214 Erie
)	
v.)	
)	District Judge Susan Paradise Baxter
DOCTOR BIGGINS, et al.,)	Magistrate Judge Richard A. Lanzillo
Defendants.)	

MEMORANDUM ORDER

This *pro se* prisoner civil rights action was received by the Clerk of Court on August 2, 2018, and was later referred to United States Magistrate Judge Richard A. Lanzillo, for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates. In his *pro se* complaint, Plaintiff Ayodele Oke, an inmate incarcerated at the State Correctional Institution at Forest in Marienville, Pennsylvania (“SCI-Forest”), asserts Eighth Amendment claims of deliberate indifference to his serious medical needs against the following Defendants: Doctor Biggins, a dentist at SCI-Forest (“Biggins”); Gary Prinkey, Nursing Supervisor at SCI-Forest (“Prinkey”); Ms. Smith, the Clinical Health Care Administrator at SCI-Forest (“Smith”); Dr. M, a dentist at SCI-Forest (“Dr. M”); and two unnamed nurses identified as “Jane Doe I” and “Jane Doe II.”

On March 18, 2019, Defendants filed a motion to dismiss [ECF No. 16], to which Plaintiff filed a response and brief in opposition [ECF Nos. 22, 23].

On November 15, 2019, Judge Lanzillo issued a Magistrate Judge’s Report and Recommendation (“R&R”) recommending that Defendant’s motion to dismiss be denied as to Plaintiff’s claim against Defendant Biggins, in his individual capacity, but granted as to all other

claims against all other Defendants. [ECF No. 30]. Objections to the R&R were due to be filed by December 2, 2019; however, no objections have been filed to date.

After *de novo* review of the complaint and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 9th day of December, 2019;

IT IS HEREBY ORDERED that Defendant's motion to dismiss [ECF No. 16] is DENIED as to Plaintiff's Eighth Amendment claim against Defendant Biggins, in his individual capacity, but GRANTED as to all other claims against all other Defendants. The report and recommendation of Magistrate Judge Lanzillo, issued November 15, 2019 [ECF No. 30], is adopted as the opinion of the court. The Clerk is directed to terminate from this case all Defendants other than Defendant Biggins.


SUSAN PARADISE BAXTER
United States District Judge

cc: The Honorable Richard A. Lanzillo
U.S. Magistrate Judge